

EXHIBIT 88

CONFIDENTIAL PURSUANT TO PROTECTIVE ORDER

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MARVEL WORLDWIDE, INC.,)
MARVEL CHARACTERS, INC. and)
MVL RIGHTS, LLC,)
PLAINTIFFS,)

VS.) NO. 10-141-CMKF

LISA R. KIRBY, BARBARA J. KIRBY,)
NEAL L. KIRBY and SUSAN N. KIRBY,)
DEFENDANTS.)

CONFIDENTIAL PURSUANT TO PROTECTIVE ORDER
VIDEOTAPED DEPOSITION OF STAN LEE
LOS ANGELES, CALIFORNIA
MAY 13, 2010

REPORTED BY:
CHRISTY A. CANNARIATO, CSR #7954, RPR, CRR, CLR
JOB NO.: 30189

TSG Reporting 877-702-9580

2021MARVEL-0130804

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May 13, 2010

9:35 a.m.

Deposition of Stan Lee, taken on behalf of
Plaintiffs, held at the offices of Paul Hastings,
515 South Flower Street, 25th Floor, Los Angeles,
California, before Christy A. Cannariato,
CSR #7954, RPR, CRR.

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A P P E A R A N C E S

REPRESENTING THE PLAINTIFFS:

WEIL, GOTSHAL & MANGES, LLP

BY: JAMES W. QUINN, ESQ.

RANDI W. SINGER, ESQ.

767 FIFTH AVENUE

NEW YORK, NY 10153

-AND-

HAYNES AND BOONE, LLP

BY: DAVID FLEISCHER, ESQ.

1221 AVENUE OF THE AMERICAS, 26TH FLOOR

NEW YORK, NY 10020

REPRESENTING THE DEFENDANTS:

TOBEROFF & ASSOCIATES, P.C.

BY: MARC TOBEROFF, ESQ.

2049 CENTURY PARK EAST, SUITE 2720

LOS ANGELES, CA 90067

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APPEARANCES (Cont'd)

FOR THE WITNESS:

GANFER & SHORE, LLP

BY: ARTHUR LIEBERMAN, ESQ.

360 LEXINGTON AVENUE, 14TH FLOOR

NEW YORK, NY 10017

REPRESENTING

ALSO PRESENT:

BRENT JORDAN, VIDEOGRAPHER

ELI BARD, MARVEL ENTERTAINMENT

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1 S. LEE

2

3 STAN LEE: I never owned these
4 characters. I did them as a work for hire. So
5 the company owned the characters.

6

7 Q. BY MR. QUINN: And that's still consistent
8 with what you believe today?

9 A. Yes.

10 (Lee Exhibit 12 marked for identification.)

11 Q. Now, I want to mark, and I think we may have
12 already marked it this one -- I don't think we have a copy
13 of, but I'm only going to ask you a couple of questions --
14 as Exhibit 12. It's a book entitled, "Origins of Marvel
15 Comics," by Stan Lee.

16 And could you tell us what that book is?

17 A. At some time in the past Simon & Schuster
18 wanted to do a book about Marvel, and they asked me to
19 write it. And they wanted to know how I came up with the
20 ideas for the various characters, what the origins were of
21 the characters. So I turned out this book, and they sold
22 it.

23 It did very well, actually. They asked for a
24 sequel. I did "Son of Origins of Marvel." Then I did one
25 about the villains called, "Bring on the Bad Guys." And

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C E R T I F I C A T E

STATE OF CALIFORNIA)
) SS.:
COUNTY OF LOS ANGELES)

I, CHRISTY A. CANNARIATO, a Certified
Shorthand Reporter within and for the State
of California, do hereby certify:

That Stan Lee, the witness
whose deposition is hereinbefore set forth,
was duly sworn by me and that such
deposition is a true record of the
testimony given by such witness.

I further certify that I am not
related to any of the parties to this
action by blood or marriage; and that I am
in no way interested in the outcome of this
matter.

IN WITNESS WHEREOF, I have hereunto
set my hand this 25th day of May, 2010.



CHRISTY A. CANNARIATO, CSR #7954

Marvel Worldwide, Inc., Marvel Characters, Inc., and MVL Rights, LLC
v.
Lisa R. Kirby, Barbara J. Kirby, Neal L. Kirby, and Susan N. Kirby

Civil Action No. 10 Civ. 141 (CM) (KNF)

Southern District of New York

ERRATA SHEET FOR THE MAY 13, 2010 DEPOSITION OF STAN LEE

PAGE/ LINE NO.	CHANGE	REASON FOR CHANGE
14:16	"grownup" should be "grown up"	Typographical error
21:7	"fill in" should be "villain"	Typographical error
34:8	"Then I would send it to the inker" should be "Then, after it was lettered by the letterer, I would send it to the inker."	Clarification
35:19	"talk it with the artist" should be "talk about it with the artist"	Typographical error
38:12	"news stand" should be "newsstand"	Typographical error
40:17	"Kirby a veteran comic book artist," should be "Kirby, a veteran comic book artist,"	Typographical error
42:20	"thus and such" should be "such and such"	Typographical error
49:12	"Collection" should be "Collector"	Typographical error
53:8	"Os" should be "O's"	Typographical error
55:3	"Dr. doom" should be "Dr. Doom"	Typographical error
56:2	"might have decide to" should be "might have decided to"	Typographical error
64:25	"the Fantastic Four" should be "The Fantastic Four"	Typographical error
65:20	"See later part of the article" should be "see latter part of article."	Clarification
65:23	"synopses with Marvel artists, often working merely" should be "synopses, with Marvel artists often working merely"	Typographical error
65:24	"brief conversations" should be "brief conversations,"	Typographical error
67:17	"the thing" should be "the Thing"	Typographical error
67:21-22	"such a ugly monstrous looking guy" should be "such an ugly, monstrous-looking guy"	Typographical error
69:6	"started drawing" should be "started drawing,"	Typographical error
69:8-0	"action sequence may have been suggested, then, as well by either man." should be "action sequence, may have been suggested then, as well, by either man."	Typographical error

70:20	"this mind" should be "in mind"	Typographical error
74:24	"insect Man? fly Man?" should be "Insect Man? Fly Man?"	Typographical error
75:2	"Spider-Man" should be "The Spider"	Typographical error
75:13	"type" should be "types"	Typographical error
76:11	"I didn't mention that" should be "I mentioned that"	Clarification
80:16	"the thing" should be "the Thing"	Typographical error
81:5	"I remember Dr. Jekyll" should be "I remembered Dr. Jekyll"	Typographical error
86:18	"Happy hogan" should be "Happy Hogan"	Typographical error
91:14	"And how you do that." should be "And how do you do that?"	Typographical error
96:5	"Sgt. fury" should be "Sgt. Fury"	Typographical error
97:15	"loaner" should be "loner"	Typographical error
97:17	"also powerful" should be "all so powerful"	Typographical error
100:2	"the raw hide kid tell us about The Rawhide Kid" should be "The Rawhide Kid. Tell us about The Rawhide Kid."	Typographical error
104:12	"Stanley Deposition" should be "Stan Lee Deposition"	Typographical error
110:3	"I know What" should be "I know what"	Typographical error
110:4	"That sounds that" should be "That sounds like that"	Typographical error
110:18	"spider-man" should be "Spider-Man"	Typographical error
112:4	"Stanley deposition" should be "Stan Lee deposition"	Typographical error
112:6	"Stanley" should be "Stan Lee"	Typographical error
121:2-3	"The Superhero Women." should be "The Superhero Women."	Typographical error
123:2	"mr." should be "Mr."	Typographical error
123:14	"whose" should be "who's"	Typographical error

Stanley
7/2/10

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of

Los AngelesOn July 2, 2010

before me,

SUSAN M. DYMOND, a Notary Public

Here, insert Name and Title of the Officer

personally appeared

Stan Lee

Name(s) of Signer(s)



who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

Susan M. Dymond

Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document:

Errata Sheet for the May 13, 2010 Deposition

Document Date:

7-2-10

Number of Pages:

2

Signer(s) Other Than Named Above:

N/A**Capacity(ies) Claimed by Signer(s)**

Signer's Name:

Stan Lee☒ Individual☐ Corporate Officer — Title(s):☐ Partner — ☐ Limited ☐ General☐ Attorney in Fact☐ Trustee☐ Guardian or Conservator☐ Other:

Signer Is Representing:

Signer's Name:

☐ Individual☐ Corporate Officer — Title(s):☐ Partner — ☐ Limited ☐ General☐ Attorney in Fact☐ Trustee☐ Guardian or Conservator☐ Other:

Signer Is Representing:

**RIGHT THUMBPRINT
OF SIGNER**

Top of thumb here

**RIGHT THUMBPRINT
OF SIGNER**

Top of thumb here